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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,208	12/15/2000	John R. Milton	10005368-1	1142

7590 10/22/2004

HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER
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TRAN, QUOC A

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/738,208

Applicant(s)

MILTON, JOHN R.

Examiner

Quoc A. Tran

Art Unit

2176

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 September 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: \_\_\_\_\_.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_



**SUPERVISORY PATENT EXAMINER**

Continuation of 2. NOTE:

Appellant's Amendment after final date 09/13/2004 does not place claims 2, 13, 16-17, and as whole does not place the application in better form for allowing by material reducing or simplify the Amended claims 2, 3 and 16-17.

As for claims 2 and 13, as taught by '733 at col. 5, lines 37-38 (i.e. ...allow the publication to store/remove Sections, Styles, Families, Children and Cousins to/from the database...); and further taught by '733 at col. 3, lines 4-7 (i.e. ... a newshole is filled in accordance with a design, and resizing of the newshole takes place if the fit is not in accordance with predetermined criteria...); and further taught by '733 at col. 4, lines 15-20 (i.e. ...automatically adjusting the layout (or its elements) to accommodate or suit the user's manual edits; and/or suggesting that an entirely different layout would be more appropriate according to the predefined design style; and/or allowing the user to accept that suggestion, at which point the software may automatically build the new layout and/or use it to replace the previous one...), and further taught by '733 at col. 5, lines 50-55 (i.e. ...checks for any existing Children within that Family that may have a conflicting size range and automatically resolves that conflict...). It is clearly instituted as claimed. In regard to dependent claim 2, is directed to a system for performing the method of claim 13, and is similarly rejected under the same rationale. Therefore claims 2 and 13 remain rejected.

As for claims 16-17, as taught by '733 at col. 8, lines 45-50 (i.e. ... automatically adjusting the layout (or its elements) to accommodate or suit the ... and/or suggesting that an entirely different layout would be more appropriate according to the predefined design style; and/or allowing the user to accept that suggestion, at which point the software may automatically build the new layout and/or use it to replace the previous one...). It is clearly instituted as claimed. Therefore claims 16-17 remain rejected..